

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 208, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 1, between the enacting clause and line 1, begin a new
 2 paragraph and insert:
 3 "SECTION 1. IC 4-21.5-7-3 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The office of
 5 environmental adjudication is established to review, under this article,
 6 decisions of the commissioner of the department of environmental
 7 management.
 8 **(b) The office of environmental adjudication shall:**
 9 **(1) conduct** adjudicatory hearings required to implement:
 10 ~~(1)~~ **(A)** air pollution control laws (as defined in IC 13-11-2-6),
 11 water pollution control laws (as defined in IC 13-11-2-261),
 12 environmental management laws (as defined in
 13 IC 13-11-2-71), and IC 13-19; and
 14 ~~(2)~~ **(B)** rules of:
 15 ~~(A)~~ **(i)** the air pollution control board;
 16 ~~(B)~~ **(ii)** the water pollution control board;
 17 ~~(C)~~ **(iii)** the solid waste management board; and
 18 ~~(D)~~ **(iv)** the financial assurance board; **and**
 19 shall be conducted by the office of environmental adjudication under
 20 ~~IC 4-21.5.~~

1 **(2) notify a board referred to in subdivision (1)(B) of the**
 2 **results of an adjudicatory hearing if a rule of the board is a**
 3 **subject of the hearing."**

4 Page 2, line 14, delete "IC 13-14-9-4(6)," and insert
 5 **"IC 13-14-9-4(6):".**

6 Page 2, delete line 15.

7 Page 2, line 16, delete "consult with".

8 Page 2, line 17, after "management" insert **"shall consult with the**
 9 **legislative services agency".**

10 Page 2, line 19, after "(2)" insert **"the legislative services agency**
 11 **shall".**

12 Page 7, delete lines 15 through 42, begin a new paragraph and
 13 insert:

14 **"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 15 **SECTION, "boards" refers to:**

16 **(1) the air pollution control board;**

17 **(2) the water pollution control board; and**

18 **(3) the solid waste management board.**

19 **(b) Before November 1, 2003, the environmental quality service**
 20 **council shall:**

21 **(1) consider whether the rulemaking operations of the boards**
 22 **are sufficiently independent of influence of:**

23 **(A) the department of environmental management; and**

24 **(B) other state agencies or entities;**

25 **(2) consider the overall efficiency of rulemaking operations of**
 26 **the boards; and**

27 **(3) submit its final report on the matters described in**
 28 **subdivisions (1) and (2) to:**

29 **(A) the governor; and**

30 **(B) the executive director of the legislative services agency.**

31 **(c) As part of its consideration under subsection (b)(1) and**
 32 **(b)(2), the environmental quality service council shall examine the**
 33 **following:**

34 **(1) The composition of the boards.**

35 **(2) The appointing authorities for members of the boards.**

36 **(3) The extent to which the boards control staff who serve the**
 37 **boards.**

38 **(4) The sources and availability of data concerning:**

- 1 (A) the fiscal impact; and
 2 (B) other aspects;
 3 of proposed rules.
 4 (5) The involvement of employees of:
 5 (A) the department of environmental management; and
 6 (B) other state agencies or entities;
 7 in the rulemaking process.
 8 (6) The procedures to initiate and adopt proposed rules.
 9 (7) The procedures to determine which issues are addressed
 10 in proposed rules and which issues are addressed in nonrule
 11 policy documents.
 12 (8) The requirements for public notice and public
 13 participation in the rulemaking process.
 14 (9) The means by which other states maintain independent
 15 and efficient operations of environmental rulemaking entities.
 16 (10) Any other matter the environmental quality service
 17 council considers appropriate.
 18 (d) This SECTION expires January 1, 2004."
 19 Delete pages 8 through 11.
 20 Page 12, delete lines 1 through 6.
 21 Page 12, after line 20, begin a new paragraph and insert:
 22 "SECTION 10. An emergency is declared for this act."
 23 Renumber all SECTIONS consecutively.
 (Reference is to SB 208 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Gard

Chairperson